



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

MONDAY, DECEMBER 1,
2025

6:00 PM

1. Call to Order/ Approve Agenda
2. Approval of the Minutes
3. Public Hearings
 - A. Resolution 2025-XXX Approve Preliminary and Final Plats for Olson Addition at 415 Brand Ave. SW
 - B. Resolution 2025-XXX Approve Conditional Use Permit Amendment for a K-12 Charter School at 128 8th Avenue NW
 - C. Mighty Fine Coffee Addition/127 14th St NW - Preliminary and Final Plat; Variances
 - 1 Resolution 2025-XXX Approve Variances for Lot Area and Impervious Surface Coverage at 127 and 123 14th St NW
 - 2 Resolution 2025-XXX Approve the Preliminary and Final Plats for Mighty Fine Coffee Addition
 - D. Ordinance 2025-XX Approve a Zoning Text Amendment to Chapter 13
4. Requests to be Heard
5. Items for Discussion
6. Routine Business
7. Board & Commissions Updates & Reports
8. Adjournment

Please contact the Departments of Community & Economic Development at 507-334-0100 if you need special accommodations to participate in this meeting.

Para pedir este documento en otro idioma, envíe un correo electrónico y adjunte el documento a accessibility@faribault.org.

Si aad u codsato dukumeentigan oo ku qoran luqad kale, fadlan e-mail u soo dir oo ku soo lifaaq dukumiintiga accessibility@faribault.org.

HONESTY ▪ RESPECT ▪ DEDICATED ▪ VISIONARY ▪ ACCOUNTABILITY



PLANNING COMMISSION MINUTES

COUNCIL CHAMBERS

MONDAY, NOVEMBER 17, 2025

6:00 PM

Meeting Items

1. Call to Order/ Approve Agenda

A regular meeting of the Planning Commission was called to order by Chair Chuck Ackman at 6:00 p.m. Commissioners in attendance were Barton Jackson, Ed Miglio, Michael Salt, Steven White, Tina Wilson, and Chair Chuck Ackman. Also in attendance were the City Planning Manager, Harry Davis, and City Planner I, Leslie McGilivray-Riva

2. Approval of the Minutes

Motion by Michael Salt, seconded by Tina Wilson, to approve the meeting minutes as presented. The motion passed unanimously.

3. Public Hearing

A. Resolution 2025-XXX Approve the Final Plat for Jasy First Addition

The applicants come back to approve the Final Plat for Jasy First Addition. Staff is recommending approval of the Final Plat. Chair Ackman opened and closed the public hearing at 6:06 p.m. The board had no further questions. Steve White then brought a motion, seconded by Barton Jackson. The motion passed on a 6/0 vote.

B. Mighty Fine Coffee/127 14th St NW - Comprehensive Plan Amendment; Zoning Map Amendment; Preliminary Plat; Final Plat; Variance(s); Conditional Use Permit

The applicants have requested that this matter be continued until the next meeting. A motion was made by Tina Wilson to continue the matter to the next Planning Commission meeting, scheduled for December 1, 2025. Ed Miglio seconded this motion. The motion passed on a 6/0 vote.

4. Requests to be Heard - NONE

5. Items for Discussion - NONE

6. Routine Business - NONE

7. Board & Commissions Updates & Reports

Harry Davis stated that the Ivy Hill project did move forward through the Council. The only matter left with them is the rezoning.

8. Adjournment

Motion by Barton Jackson, seconded by Tina Wilson, to adjourn the meeting at 6:13 p.m. The motion passed unanimously.
By Kari Casper via video.



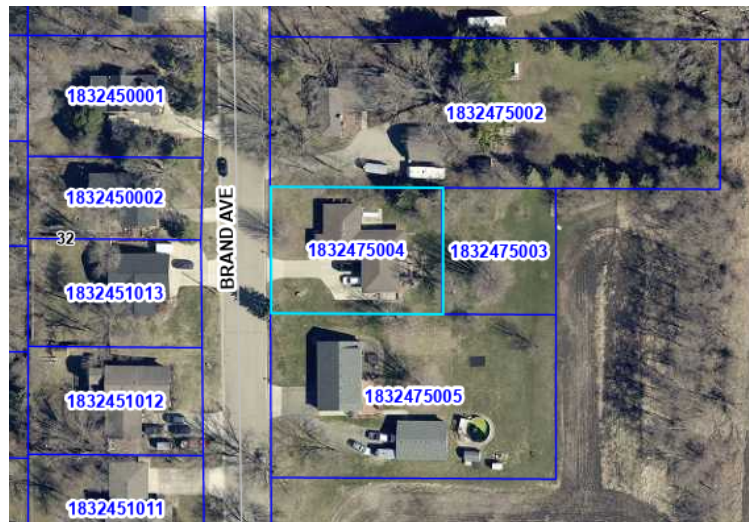
Staff Report to the Planning Commission

TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planning Manager
MEETING DATE: December 1, 2025
SUBJECT: Olson Addition/415 Brand Ave – PPL; FPL

Request:	Applicant requests a preliminary and final plat approval for Olson Addition.
Recommendation:	The DRC, City Engineer, and City Planner recommend approval of the plats to City Council based on the findings and conditions in the attached draft resolutions.
Recommended Motion:	Motion to forward and recommend approval of the preliminary and final plats of Olson Addition to City Council, with findings and conditions suggested by city staff.

Request:

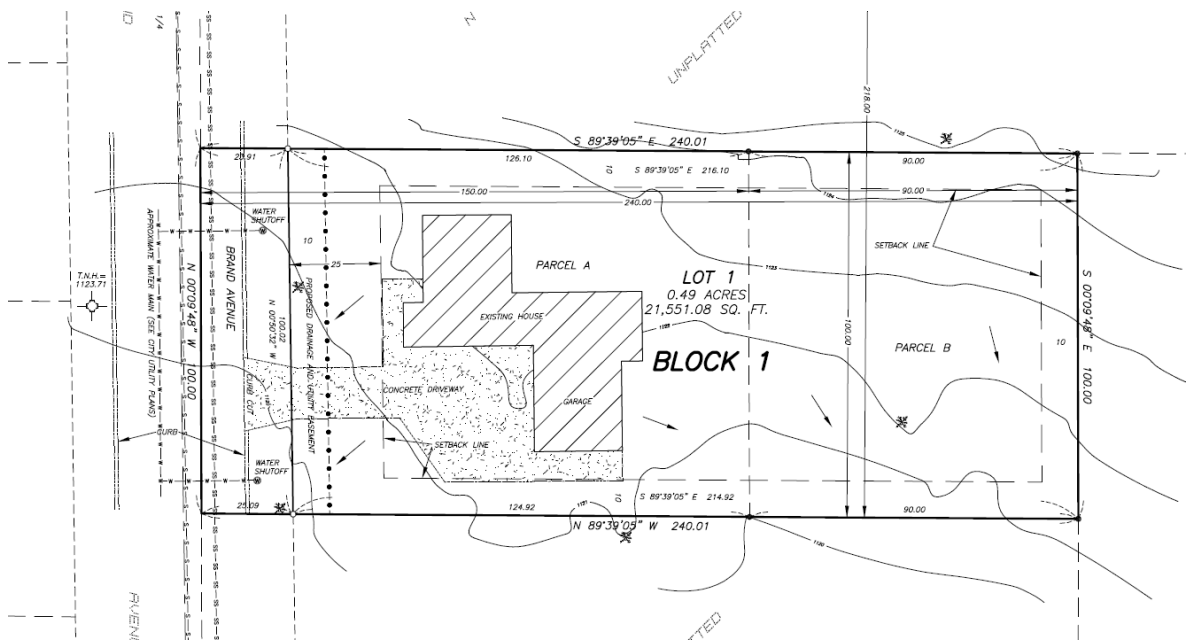
Jason Olson (the “Applicant” and “Property Owner”) requests preliminary and final plat approval to combine two lots into one at 415 Brand Ave. The subject property is zoned R-2, Low Density Residential and contains approximately 21,551 square feet (0.49 acres) of land, as depicted in the attached plans.



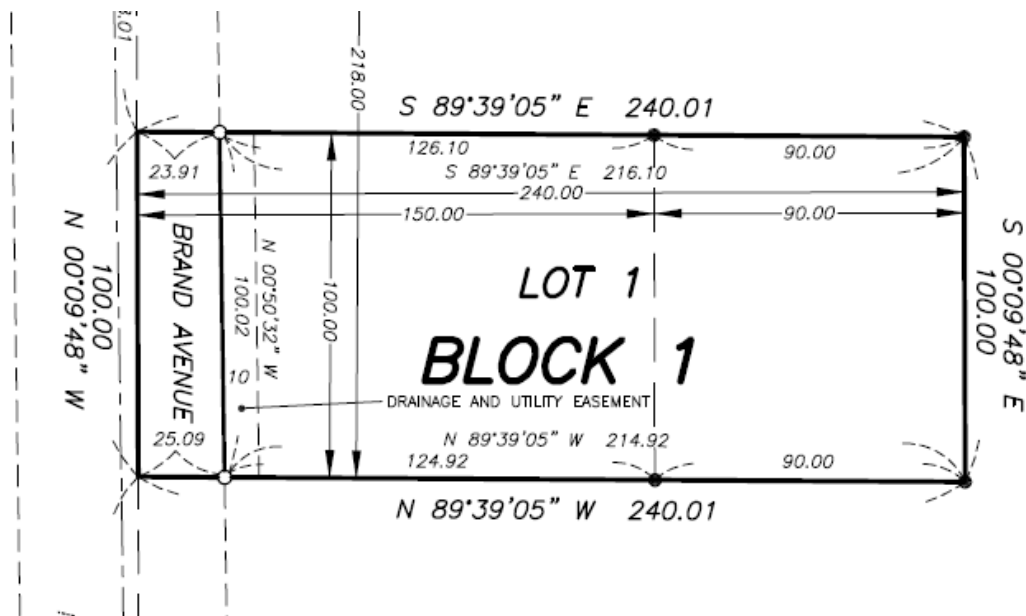
Location along Brand Ave

Background and Project Description:

The proposed preliminary and final plat seeks to combine two unplatted lots along Brand Ave. The adjoining properties are all residential uses and zoned R-2, with the exception of undeveloped land to the east zoned TUD, Transitional Urban Development. The combining of these properties will facilitate a new accessory structure in the backyard, which must be on the same property as the principal structure.



Preliminary Plat



Final Plat

Discussion:

The proposed preliminary and final plats are consistent with the planning and zoning aspects of the City's Unified Development Ordinance. The following provides an overview of the key planning and zoning-related items associated with:

Preliminary Plat

1. Existing and Surrounding Conditions. The subject property is bound to the north and east by residential. To the east is undeveloped land. To the west across Brand Ave are more residential uses.
2. Relationship to the Journey to 2040 Comprehensive Plan. The Journey to 2040 Comprehensive Plan guides the subject property for planned residential neighborhood. The proposed preliminary and final plat is consistent with the City's land use plan for this property.
3. Relationship to the Official Zoning Map. Faribault's Official Zoning Map identifies the subject property as R-2, Highway Commercial zoning district. The proposed preliminary plat is consistent with the uses and bulk regulations of the R-2 zoning district.
4. Street and Site Layout. The plat is east of and adjacent to Brand Avenue a 36-foot wide local road with no sidewalk and unmarked parallel parking on both sides. This road was reconstructed in 2019. The plat shall dedicate the necessary right-of-way for Brand Avenue to provide for a 60-foot total road right-of-way.
5. Grading, Drainage and Erosion Control. No proposed grading or drainage changes are proposed as part of the plat. Any future grading or drainage improvements must be in conformance with City Code and the City's Developer's Guide for Stormwater Management in effect at the time of the improvements.
6. Utilities and Easements.

There are no proposed utility improvements associated with the proposed plat. The existing use is connected to City services with sufficient size to serve the property.

Per City code section **Sec. 15-290. - Easements.**

- (A) *For utilities.* An easement for utilities at least five (5) feet wide shall be provided along side and rear lot lines, which when combined with easements on adjoining lots, forms a continuous easement of at least ten (10) feet. Additionally, a similar easement of at least ten (10) feet shall be provided

across the front lot line. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots, at the discretion of the City Engineer.

The City Engineer has determined that a 10-foot easement shall be dedicated along Brand Avenue and 5-foot easements along the remaining plat boundary lines.

7. Phasing and Development Schedule. Presuming City Council approves the preliminary and final plats concurrently, the Applicant and City will enter into a Platting Agreement that will address the details, responsibilities, and costs associated with the proposed subdivision.
8. Parkland Dedication or Fees In-Lieu. The plat meets the criteria to not require parkland dedication or fees in-lieu due to the number of lots decreasing and the intensity of the residential use not changing.

Final Plat

1. Final Plat Requirements. The proposed final plat is consistent with the preliminary plat.

Development Review Committee Recommendation. The City's Development Review Committee (DRC) reviewed the proposed applications on November 18, 2025, and recommended approval of the plats with conditions. The Applicant has not yet revised the plats to address the DRC's conditions.

Public Comment. City Staff received no public comment prior to publishing this report. Notification for this item was published in the paper on November 20, 2025 and letters sent to property owners within 350-feet.

Recommendation:

The DRC, City Engineer, and City Planner recommend approval of the easement vacation, plats, and CUP to City Council based on the findings and conditions in the attached draft ordinance and resolutions.

CITY OF FARIBAULT

RESOLUTION #2025-XXX

**APPROVE THE PRELIMINARY AND FINAL PLATS FOR
OLSON ADDITION**

WHEREAS, Jason Olson (the "Applicant" and "Property Owner") requests preliminary and final plat approval to combine two lots into one, legally described in Exhibit A (the "Property"); and

WHEREAS, City Staff reviewed the Applicant's applications and made a report to the Planning Commission, a copy of which City Staff presented to the City Council; and

WHEREAS, the Planning Commission, on December 1, 2025, following proper notice, held a public hearing regarding the applications, and following said public hearing, made written findings and recommended approval of the applications; and

WHEREAS, the City Council, on December 9, 2024, at a public meeting, considered the applications; and

WHEREAS, based upon said report, hearing, and recommendation, the City Council hereby finds that approval of the preliminary plat for Olson Addition as depicted on Exhibit B, subject to the attached conditions of approval, is appropriate with the following findings as required by Section 15-130 of the City's Unified Development Ordinance:

- 1. Criteria: The proposed preliminary plat conforms with the requirements of the Unified Development Ordinance, the applicable zoning district regulations, and any other applicable provisions of this Ordinance, subject only to**

acceptable rule exceptions.

Finding: The proposed preliminary plat is consistent with UDO requirements within the R-2, Low Density Residential zoning district and subdivision platting requirements.

2. Criteria: The proposed subdivision is consistent with the City's Land Use Plan and any other adopted land use studies.

Finding: The City's Land Use Plan guides the subject property for planned residential neighborhood. The existing residential use is consistent with this plan.

3. Criteria: The plat contains a sound, well-conceived parcel and land subdivision layout that is consistent with good land planning and site engineering design principles.

Finding: The preliminary plat provides for reasonable use of land intended for the existing residential development, based on sound planning and engineering principles. The project utilizes existing infrastructure and street frontages.

4. Criteria: The spacing and design of proposed curb cuts and intersection locations is consistent with good traffic engineering design and public safety considerations.

Finding: The preliminary plat lot is consistent with the provisions of the City's Unified Development Ordinance. No new infrastructure is proposed and no change in access or traffic is expected.

5. Criteria: All submission requirements have been satisfied.

Finding: The proposed preliminary plat adequately addresses the submission requirements as outlined in the City's Unified Development Ordinance; and

WHEREAS, the City Council further finds that approval of the final plat of Olson Addition as depicted on Exhibit C, subject to certain conditions of approval, is appropriate with the following findings as required by Section 15-210 of the City's Unified Development Ordinance:

1. Criteria: The final plat substantially conforms to the approved

preliminary plat.

Finding: The Owner concurrently applied for the final plat approval with the preliminary plat. The final plat conforms to the preliminary plat as required.

2. Criteria: The plat conforms to all applicable requirements of the Unified Development Ordinance, subject only to approved rule exceptions.

Finding: The final plat conforms to all applicable requirements or exceptions of the City's Unified Development Ordinance.

3. All submission requirements have been satisfied.

Finding: The proposed final plat adequately addresses the submission requirements outlined in the City's Unified Development Ordinance.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARIBAULT AS FOLLOWS:

Section 1. Preliminary and Final Plat Approval. The City Council approves the preliminary and final plat for Olson Addition included in Exhibit B and Exhibit C, respectively, subject to the following conditions:

1. The Applicant/Property Owner must make the following changes regarding the final plat:
 - a. Clear identification of rights-of-way.
 - b. Name and address of developer and surveyor.
 - c. Date of plat creation and amendments.
 - d. Revision of dedication statement to comply with ordinance.
 - e. Put 'Jessica L. Kinser' for name under City Administrator signature line.
 - f. Notarized certification of surveyor.
 - g. Signatures from all owners and persons of interest, including mortgage holders.
2. Any remaining comments and redlines from City Staff must be addressed, including those listed in the Staff Report in Exhibit D.
3. The Owner and City must enter into a Development Agreement the specifies the provisions of the development related to the plat.
4. Under Sec 15-338(A), the applicant will not be required to

dedicate parkland or pay fees in lieu of parkland dedication, as the plat combines two parcels into one and there is no proposed intensity of land use.

5. Before recording the plat with the Rice County Recorder, the Owner must pay all applicable fees, special assessments, and taxes.
6. The plat must be recorded with the Rice County Recorder within 12 months following City Council approval or it shall be automatically deemed null and void, unless the City Council extends the deadline to record the plat.
7. The Developer shall submit current title work for the Property pursuant to Minnesota Statutes Section 505.03, the Faribault City Code and the required Development Agreement for this matter and abide by all conditions resulting from such title work and the resulting attorney plat opinion, as well as city staff review of the title work.

Section 2. Findings. The recitals in this Resolution are integral to this Resolution and, where applicable, constitute the findings of the City Council.

Section 3. Authorization to take Additional Steps. The City Council authorizes and directs City Staff and City Consultants to take all additional steps and actions necessary or convenient to accomplish the intent of this Resolution.

Section 4. Authorization to Execute Documents. The City Council authorizes and directs the Mayor and City Administrator to take all necessary actions and to execute all appropriate documents to effectuate the approvals contemplated by this Resolution.

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Section 5. Effective Date. This Resolution is effective immediately upon its passage and without publication.

Date Adopted: December 9, 2025

Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A
Legal Description

LEGAL DESCRIPTIONS:

PARCEL A:

The South 100.00 feet of the North 218.00 feet of the West 150.00 feet of the North Half of the Southeast Quarter of the Southeast Quarter of Section 32, Township 110 North, Range 20 West, Rice County, Minnesota.

ABSTRACT PROPERTY

PID NO.: 18.32.4.75.004

PARCEL B:

The East 90.00 feet of the West 240.00 feet of the South 100.00 feet of the North 218.00 feet of the North Half of the Southeast Quarter of the Southeast Quarter of Section 32, Township 110 North, Range 20 West, Rice County, Minnesota.

ABSTRACT PROPERTY

PID NO.: 18.32.4.75.003

EXHIBIT D

STAFF REPORT

Insert Staff Report after this page



Staff Report to the Planning Commission

TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planning Manager
MEETING DATE: December 1, 2025
SUBJECT: Surad Academy CUP Amendment – 128 8th Ave NW

Request:	Applicant requests approval of a conditional use permit amendment for expanding a K-12 school in C-2 at 128 8 th Ave NW.
Recommendation:	The DRC and City Planning Manager recommend Planning Commission forward the request to City Council with a recommendation of approval based on the findings in the attached draft resolution.
Recommended Motion:	Motion to forward and recommend approval of a conditional use permit amendment to allow the expansion of a K-12 school in C-2 to City Council, with findings as suggested by city staff.

Request and Background:

Jonathan Starr (Applicant) with support from Todd Nelson of T Nelson Properties LLC (Property Owner) requests approval of a conditional use permit (CUP) amendment to expand the Surad Academy K-12 school at 128 8th St NW. The subject property is zoned C-2, Highway Commercial and contains approximately 1.86 acres of land.

To the north are commercial and industrial uses zoned C-2 and I-2. To the west is a railroad line and undeveloped and commercial properties zoned I-2. To the south and east are residential properties, with properties to the south zoned I-2 and properties to the east zoned R-2.

Surad Academy started operating from this property in 2023 after receiving the initial CUP (Resolution 2023-074). Their space was limited to 2/3rds of the building with an existing daycare use in the remaining 1/3rd. Both uses have enough parking and adequately manage pick-up and drop-off traffic. The property contains up to 71 stalls, which is more than adequate for the two uses.

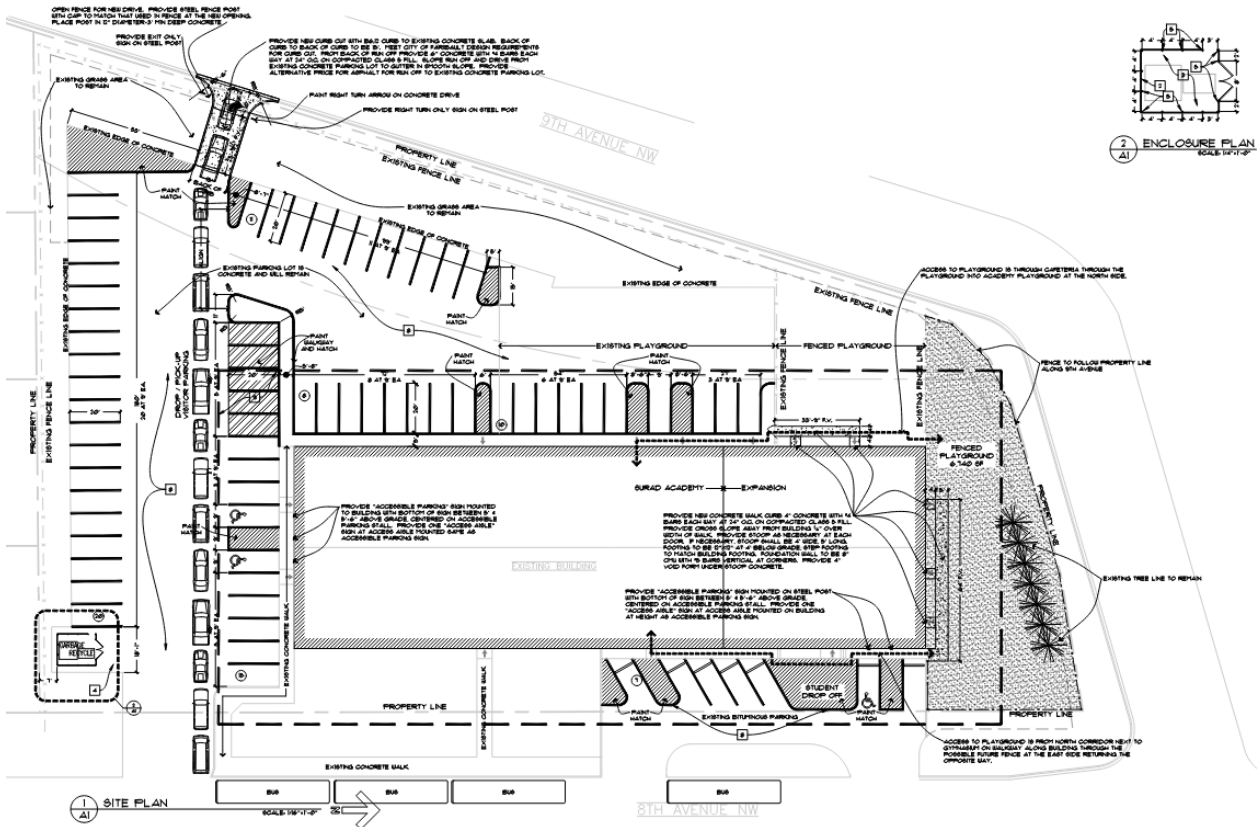


Location at 2nd St NW and 8th Ave NW

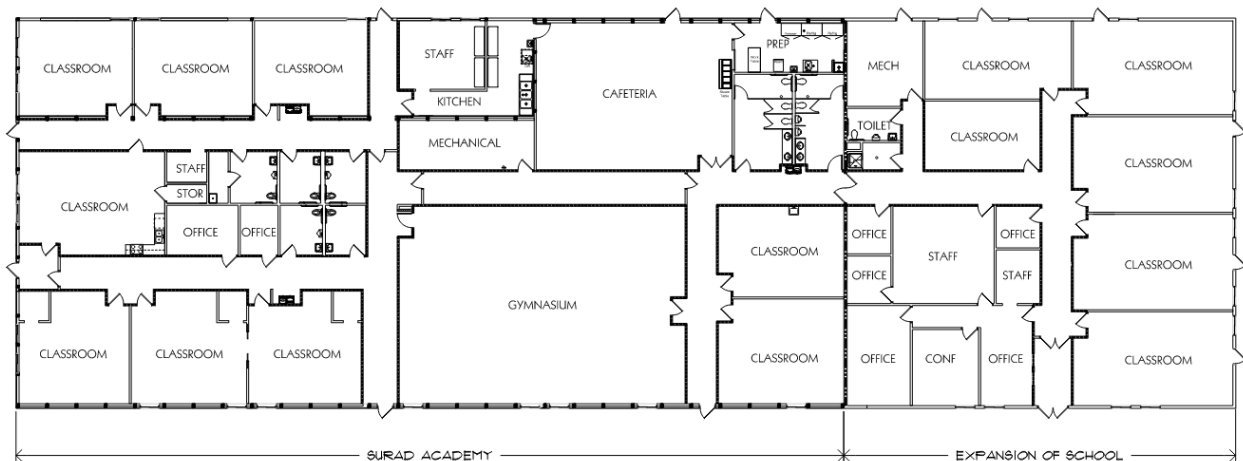
Project Description:

The CUP amendment proposed by Surad Academy will expand the school into the former daycare part of the building. The part they currently occupy is approximately 13,000 square feet and the expansion is approximately 6,000 square feet. Although Surad Academy is increasing their space, the number of staff is not expected to significantly increase. The total number of students and staff from the original CUP is not changing, as the expansion is needed to facilitate meeting the original limit.

Of the 71 stalls on the property, Surad Academy needs approximately 41 spaces at 1 per 20 students and 1 per staff member. The total number of occupants anticipated when Surad Academy is fully operational is 250 students with 25 staff members. They do not propose changing their current organization regarding buses and pick-up and drop-off lines or times, as diagrammed on the site plan.



Site Plan



Building Plans (Expansion on Right Side)

Discussion:

The following provides an overview of the key planning and zoning-related items associated with:

CUP Criteria and Findings Summary. The proposal meets the criteria for granting a CUP amendment. The expansion is a reasonable request and helps facilitate Surad Academy continuing operations in Faribault. City staff are not aware of any issues with current traffic to the property and don't anticipate further issues as they continue building to full capacity. The

parking lot can accommodate more than the minimum number required for this use. More details on the criteria and findings may be found in the associated Resolution.

Development Review Committee Recommendation. On November 18th, 2025, the City's Development Review Committee (DRC) reviewed the proposed application and recommended approval.

Public Comment. The City Planning Manager received no public comment prior to publishing this report. Notification for this item was published in the paper on November 20, 2025, and letters were sent to property owners within 350 feet.

Recommendation:

The DRC and City Planning Manager recommend Planning Commission forward and recommend approval of the CUP amendment based on the criteria and findings in the draft resolution, with conditions of approval.

CITY OF FARIBAULT

RESOLUTION #2025-XXX

APPROVE A CONDITIONAL USE PERMIT AMENDMENT FOR A K-12 CHARTER SCHOOL AT 128 8TH AVE NW

WHEREAS, Jonathan Starr (the "Applicant") with support from Todd Nelson of T Nelson Properties LLC (the "Property Owner") requests approval of a conditional use permit (CUP) amendment to expand the Surad Academy K-12 school at 128 8th St NW (the "Property"), legally described in Exhibit A; and

WHEREAS, the Applicant proposes expanding their existing use into the rest of the approximately 19,000 square foot building (the "Project"), as generally depicted in Exhibit B; and

WHEREAS, the Property is zoned C-2 Highway Commercial District; and

WHEREAS, Chapter 11, Article 1, Table 11-1 of the City of Faribault's Unified Development Ordinance requires a conditional use permit for K-12 school in the C-2 Highway Commercial District; and

WHEREAS, City Council approved the original CUP (Resolution 2023-074) with conditions; and

WHEREAS, this Resolution intends to amend and update Resolution 2023-074 pursuant to the recitals in this Resolution; and

WHEREAS, City Staff completed a review of the Applicant's conditional use permit application and prepared a report to the Planning Commission about said request, attached as Exhibit C; and

WHEREAS, the Planning Commission, on December 1, 2025, following proper notice, held a public hearing to consider the Applicant's request; and

WHEREAS, following the public hearing, the Planning Commission unanimously recommended that the City Council approve the Applicant's conditional use permit amendment request based on the findings required in Section 2-300 of the Unified Development Ordinance as follows:

- 1. The conditional use will not be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare.**

Finding: The proposed school expansion will not be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare of neighboring properties. The use and overall property are compatible with nearby uses within the general area and adjacent commercial and residential properties. The applicants demonstrated their current pick-up and drop-off procedures do not create a traffic issue and staff has not received any complaints about their operations. Staff does not anticipate traffic concerns that will result in adverse impacts.

- 2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.**

Finding: The expanded school use will not negatively impact other nearby properties. Properties in the immediate area are primarily commercial and residential, but the applicant has successfully demonstrated they can contain most of their operations on the subject property and adjoining rights-of-way. The proposed school expansion and development of the property does not impede the investment and development of adjacent properties.

- 3. The conditional use will be designed, constructed, operated, and maintained in a manner that is compatible in appearance with the existing or intended character of the surrounding area.**

Finding: The proposed school expansion will take place within an existing structure, which is compatible and supportive in the context of other properties in the general area. Review of the application has demonstrated that performance standards of the city are met and are complementary to the character of the surrounding area.

4. The conditional use will not impose hazards or disturbing influences on neighboring properties.

Finding: The proposed school expansion has demonstrated their ability to limit any traffic hazards on the neighborhood, and the use itself does not generate any hazards or disturbing influences on the neighborhood.

5. The conditional use will not substantially diminish the value of neighboring properties.

Finding: The proposed school expansion is unlikely to diminish nearby property values. The applicant will continue their operations and address any traffic concerns that may arise. The presence of the school and reinvestment in the property may positively impact nearby property values.

6. The site is served adequately by essential public facilities and services, including utilities, access roads, drainage, police and fire protection, and schools or will be served adequately as a result of improvements proposed as part of the conditional use.

Finding: Public sewer, water, and all other applicable municipal services serve the subject property. The property has adequate access to the larger road network. The business may generate traffic, but Division St and 4th St to the south and west, respectively, will adequately disperse traffic.

7. Development and operation of the conditional use will not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.

Finding: The project will not generate a notable increase in demand for public facilities or services. The expansion utilizes existing infrastructure and is located in a location with existing coverage of city services. The school's expansion may be seen

as a positive contribution to the economic welfare of the community by increasing opportunities for education and improving the quality of life.

- 8. Adequate measures have been or will be taken to minimize traffic congestion in the public streets and to provide for adequate on-site circulation of traffic.**

Finding: The City Engineer reviewed the original project and noted that the surrounding streets and site layout can accommodate the increased traffic. The number of students and staff are not increasing with this amendment, so the impact is the same despite an increase in square footage.

- 9. The conditional use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance to the community.**

Finding: The Property does not have important natural, scenic, or historic features.

- 10. The conditional use is consistent with the applicable policies and recommendations of the City's Land Use Plan or other adopted land use studies.**

Finding: The City's Comprehensive Plan guides the Property for commercial/residential mixed use and is consistent with the overall project proposal.

- 11. The conditional use(s), in all other respects, conforms to the applicable regulations of the district in which it is located.**

Finding: The project conforms to the Unified Development Ordinance requirements and applicable regulations within the C-2 Highway Commercial Zoning District for a K-12 school.

WHEREAS, Section 7-30 of the Unified Development Ordinance includes specific development standards required for K-12 schools in permitted commercial districts as follows:

School, (K-12) in permitted commercial districts.

- 1. Parking must comply with chapter 8 of the City's Unified Development Ordinance.**

Finding: The subject site has adequate parking for the number of students and staff.

2. **The school must provide an appropriate pick-up and drop-off area that minimizes traffic congestion and is safe for vehicles and pedestrians.**

Finding: The original CUP established a pick-up and drop-off system that has not received any complaints. The applicant has demonstrated that they have an acceptable plan for minimizing traffic congestion and establishing safety for cars and pedestrians.

3. **Outdoor play or activities must have a defined space enclosed by a fence, landscape buffer, or other measure suitable for the age group served.**

Finding: The property has an existing outdoor play area on the north side of the building.

4. **To the extent practical all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings.**

Finding: No changes to the building exterior are proposed.

5. **Exterior building materials must meet the standards specified for commercial uses.**

Finding: No changes to the building exterior are proposed.

WHEREAS, the City Council, during a public meeting on December 9, 2025, considered the Applicant's conditional use permit request; and

WHEREAS, based on the City Staff report, the results of the public hearing, and the written findings of the Planning Commission as noted above, the City Council concurs with the findings of the Planning Commission and makes identical findings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARIBAULT, MINNESOTA, AS FOLLOWS:

Section 1: Approval of a Conditional Use Permit. The City Council hereby approves the Applicant's conditional use permit request at the

property described in Exhibit A to establish the drive-through at the Property described in Exhibit B, subject to the conditions in Sections 2, 3, and 4 of this Resolution.

Section 2: Prior Approval Amended and Updated. The Faribault City Council hereby amends the previous CUP approval through Resolution 2023-074 pursuant to the update described and approval granted in this Resolution.

Section 3: Conditions of Approval. The conditional use permit is approved subject to conditions listed herein as authorized under Section 2-310 of the Unified Development Ordinance, which are deemed necessary to mitigate potential adverse impacts associated with the conditional use, to protect neighboring properties, and to achieve the objectives identified in the Unified Development Ordinance. The conditions of approval are as follows:

1. The Applicant and Owner must install and maintain the approved fence and appropriate traffic circulation signage and surface painting, in substantial conformance with the plan in Exhibit B.
2. The City's Development Review Committee (DRC) is authorized to approve minor amendments to the site for this use (as determined by the DRC).
3. The proposed school and expansion must meet all required development conditions listed in Section 7-30 of the City's Unified Development Ordinance.
4. If the City's DRC identifies and determines that the proposed use creates a parking problem, the Applicant and Owner must prepare and implement a plan to mitigate parking concerns, subject to DRC approval.
5. The DRC may require that the exit driveway from the site onto 9th Ave NW may be widened up to a maximum of twenty-four (24) feet wide for traffic congestion, as determined by the DRC.
6. Before any remodeling of or within the building, the Applicant and Owner must obtain all required and applicable permits and licenses.

7. The Owner must complete a lot combination or platting process to combine the two parcels within one (1) year of the date of this resolution. The application shall include a certificate of survey and title commitment.

Section 4: Additional Conditions of Approval. This conditional use permit includes the following additional conditions of approval:

1. Failure of the City to act on a violation of a condition, covenant, or term of this permit is not a waiver of such condition, covenant, or term, or any subsequent violation of the same or any other condition, covenant, or term.
2. The City may inspect the Property at all reasonable times to ensure compliance with the conditions of this permit.
3. This permit is subject to the City's code requirements. The Owner must comply with all applicable federal, state, and local laws, rules, and ordinances and obtain other permissions and permits as may be required.
4. The violation of any terms or conditions of this permit, including but not limited to any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The City must give the Owner written notice of any violation and reasonable time, as determined by the City, to cure the violation before the permit revocation.
5. This permit and its conditions are binding on the parties, their successors, and assigns. This permit runs with the Property and does not affect the subsequent sale, lease, or change from current ownership. The Owner's obligations under this permit shall also be the obligations of any subsequent owners or assigns of the Property.
6. Use of the Property as allowed by this permit signifies the agreement of the permit's terms and conditions without qualification, limitation, or reservation.
7. If substantial development or construction of the Project has not taken place within one (1) year of the date of approval of the conditional use permit, such permit shall be void unless the City Council grants a time extension. The Owner must submit an extension request in writing at least thirty (30) days before the expiration of the conditional use permit.

Section 5. Findings and Incorporation of Recitals and Exhibits.

Where applicable, the recitals and exhibits incorporated in this Resolution constitute the written findings of the City Council, all of which protect the public's health, safety, and welfare.

Section 6. Authorization to take Additional Steps. The City Council authorizes the Mayor, City Administrator, City Staff, and the City's Consultants to take any additional steps and actions necessary or convenient to accomplish the intent of this Resolution, including any minor changes to this Resolution.

Section 6. Effective Date. This Resolution shall be effective upon passage.

(Remainder of this page intentionally left blank)

Date Adopted: December 9, 2025

Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A

Legal Description

LEGAL DESCRIPTIONS:

PARCEL 1

Those parts of Lots 1, 2, 3, 8, 9, 10, the vacated alley in Block 12, and that part of vacated First Street Northwest which lies adjacent to and directly South of said Block 12, which lie South and East of a line parallel with and 10.00 feet southeasterly from and at right angles to the center line of the easterly most spur track of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company; all being in the plat of MCCLELLANS'S SECOND ADDITION, Faribault, Rice County, Minnesota; subject to County State Aid Highway 18 over the northerly side of said Lots 1 and 2 in Block 12; said parcel being more exactly described as follows: Beginning at the Southwest corner of Northwest Quarter of Section 31, Township 110 North, Range 20 West of the Fifth Principal Meridian, Faribault, Rice County, Minnesota; thence easterly, along the South line of said Northwest Quarter of Section 31 (for purposes of this description bearing of said South line of Northwest Quarter is assumed North 89° 28' 15" East), a distance of 349.56 feet to a point in the prolongation southerly of the West line of Eighth Avenue Northwest; thence North 0° 00' 00", along the West line and the prolongation southerly of said West line of Eighth Avenue Northwest, 278.00 feet to the Southeast corner of Block 12 in said MCCLELLANS'S SECOND ADDITION and the true point of beginning of the parcel to be herein described; thence North 0° 00' 00", along the East line of said Block 12 and said West line of Eighth Avenue Northwest, 326.34 feet to a point in the South line of County State Aid Highway 18; thence South 73° 57' 53" West, along the South line of said Highway, 133.77 feet to a point in a line, distant 10.00 feet southeasterly from and parallel with the center line of the most easterly spur track of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company; thence along said parallel line South 3° 37' 08" West, 114.70 feet to the beginning of a circular curve; thence along said curve, concave northwesterly, an arc distance of 272.56 feet (curve data: delta angle = 28° 14' 39", radius = 552.91 feet), to a point in the South line of vacated First Street Northwest; thence North 89° 28' 36" East, along said South line of vacated First Street Northwest 217.98 feet to the West line of Eighth Avenue Northwest; thence North 0° 00' 00", a distance of 80.00 feet to the true point of beginning.

PARCEL 2

Part of Block 12, the vacated alley in said Block 12 and the vacated portion of First Street Northwest, MCCLELLAND'S SECOND ADDITION, Faribault, Rice County, Minnesota, bounded on the south by the south line of said vacated First Street Northwest, on the west by the easterly right of way line of County State Aid Highway 18 (also known as Ninth Avenue Northwest), on the north by the southerly right of way line of said County State Aid Highway 18 (also known as Second Street Northwest), and on the east by the following described line: Commencing at the southeast corner of said Block 12; thence North 0°00'00" (for purposes of this description bearings are assumed and based on the east line of said Block 12 being North 0°00'00"), along said east line 326.34 feet to a point in the south line of said County State Aid Highway 18; thence South 73°57'53" West, along said south line, 133.77 feet to a point in a curve 10.00 feet southeasterly from and parallel with the center line of the most easterly spur track of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (now known as Canadian Pacific Railroad) and the point of beginning of the line to be herein described; thence South 3°37'08" West, along said parallel line, 114.70 feet to the beginning of a circular curve; thence along said curve, concave northwesterly, an arc distance of 272.35 feet (curve data: delta angle= 27°10'14", radius= 574.31 feet) to a point in the south line of vacated First Street Northwest and there terminating.

Exhibit B (contd.)

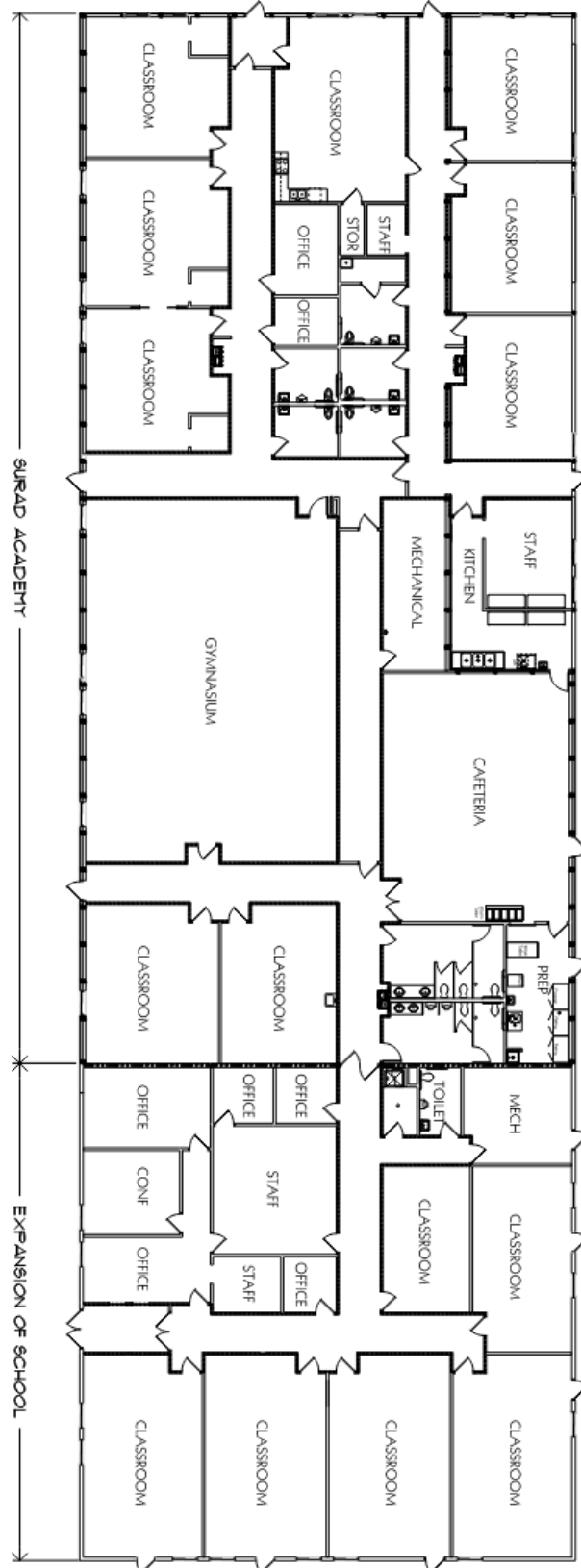


Exhibit C
Staff Report from Planning Commission

(insert document after this page)



Staff Report to the Planning Commission

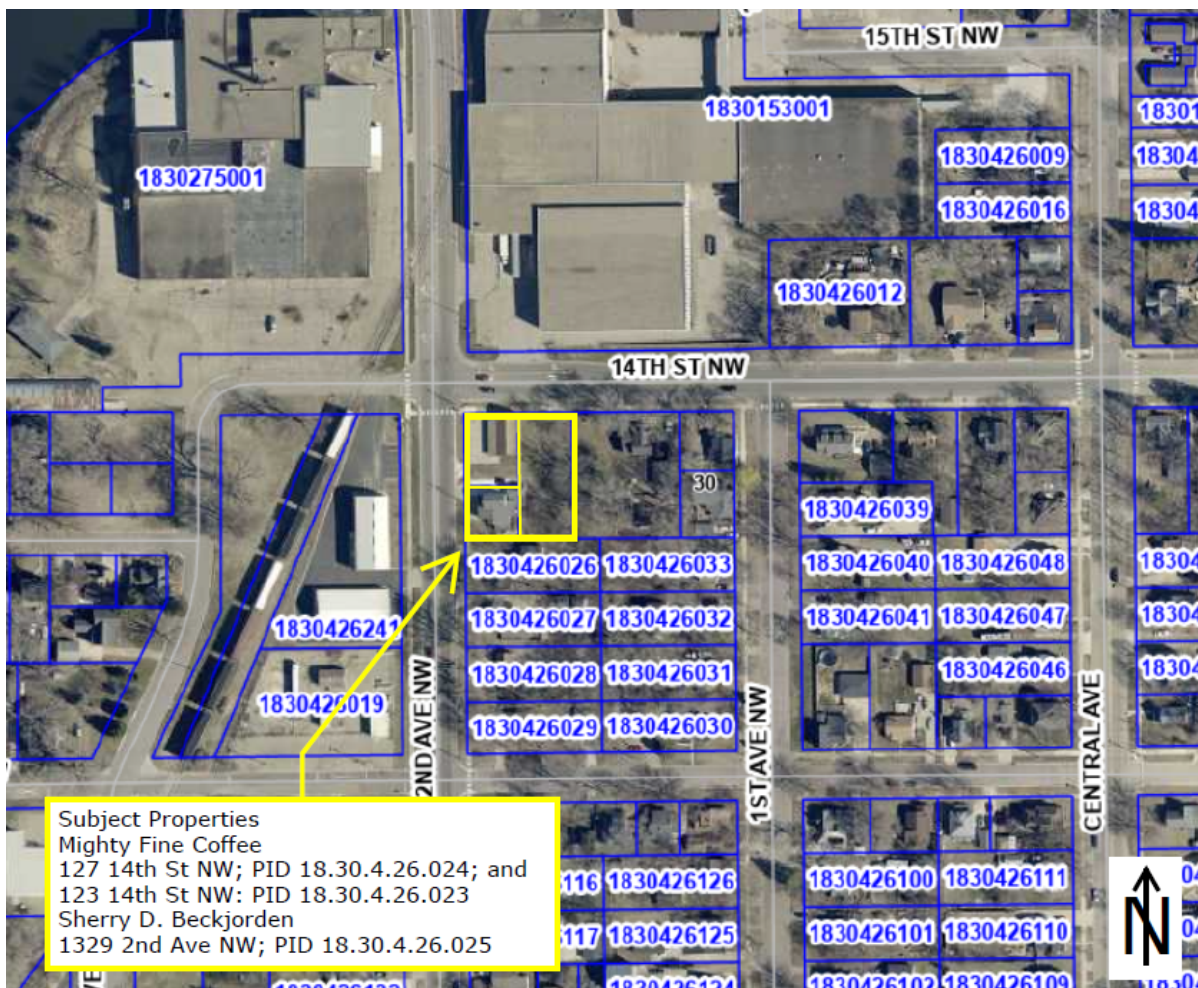
TO: Planning Commission
THRU: Harry Davis, City Planning Manager
FROM: Leslie McGillivray-Rivas, Planner I
MEETING DATE: December 1, 2025
SUBJECT: Mighty Fine Coffee/123, 127 14th St. NW & 1329 2nd Ave NW- Preliminary and Final Plat, and Variance.

Request:	Applicants request a Preliminary and Final plat and Variances for lot area and impervious surface coverage to facilitate redevelopment.
Recommendation:	The DRC and City Planning Manager recommends the Planning Commission forward the requests to City Council and recommend approval
Recommended Motion:	Motion to forward the requests to City Council and recommend approval, with conditions

Request and Background:

Jordan Brennan, Jessica Swink, and Sherry Beckjorden (Property Owners) request approval of preliminary and final plats with variances near 127 14th St NW at the corner of 14th St NW and 2nd Ave NW. The parcels owned by Jordan Brennan and Jessica Swink are zoned C-2 and contain approximately .37 acres of land. The parcel owned by Sherry Beckjorden is zoned C-1 and contains approximately 0.10 acres. Adjoining properties to the north and west are zoned I-1 and contain primarily industrial uses. Adjoining properties to the east and south are zoned R-2 and contain residential uses.

On May 27, 2025, City Council approved a preliminary and final plat known as Mighty Fine Coffee along with related applications, to establish a coffee shop with a drive through. However, the applicant could not record the plat due to issues surrounding an easement placed upon the Mighty Fine Coffee property by the adjoining neighbor to the south. The applicants have returned with the cooperation of the adjoining neighbor to replat all three parcels.



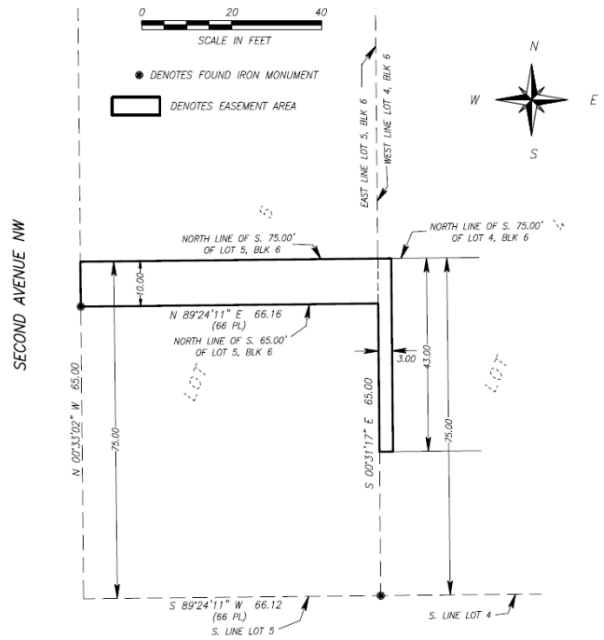
Location of subject properties near 127th 14th St NW.

Project Description and Request:

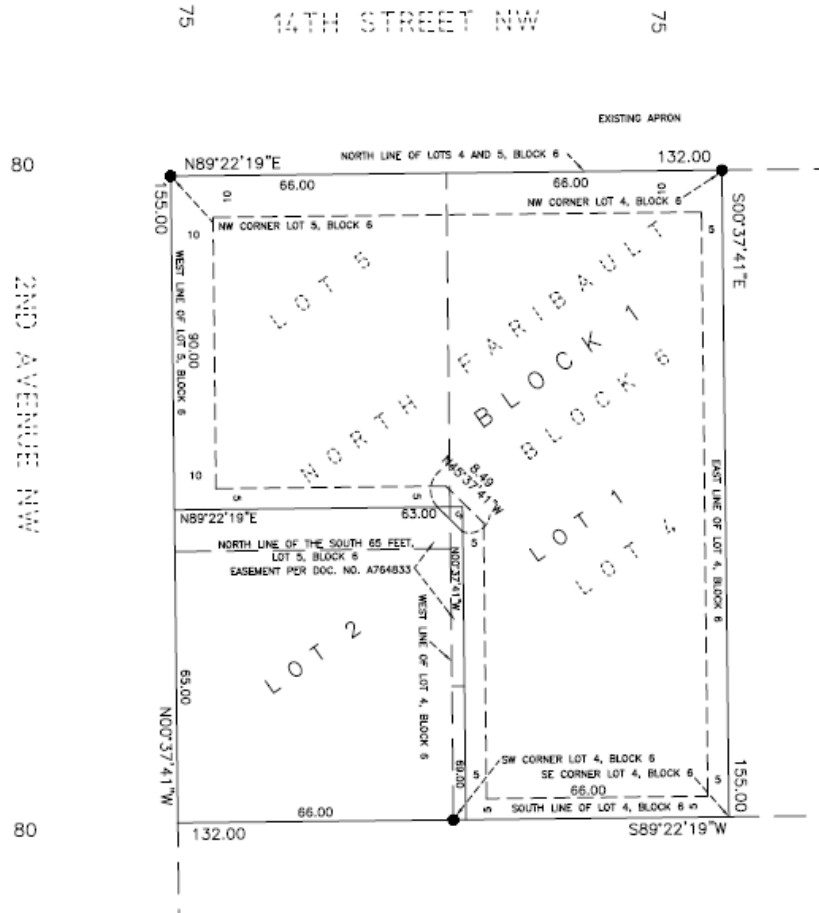
For the Mighty Fine Coffee Addition preliminary and final plat to be approved and proceed to recording, the Property Owners are cooperating on the platting process. In doing so, the proposed platting boundaries are increased to include the parcel located at 1329 2nd Ave NW owned by Sherry Beckjorden.

Additional changes to the interior plat boundaries include both a reduction and reconfiguration of the land area of the combined parcels of 123 & 127 14th St. NW and the 1329 2nd Ave NW parcel.

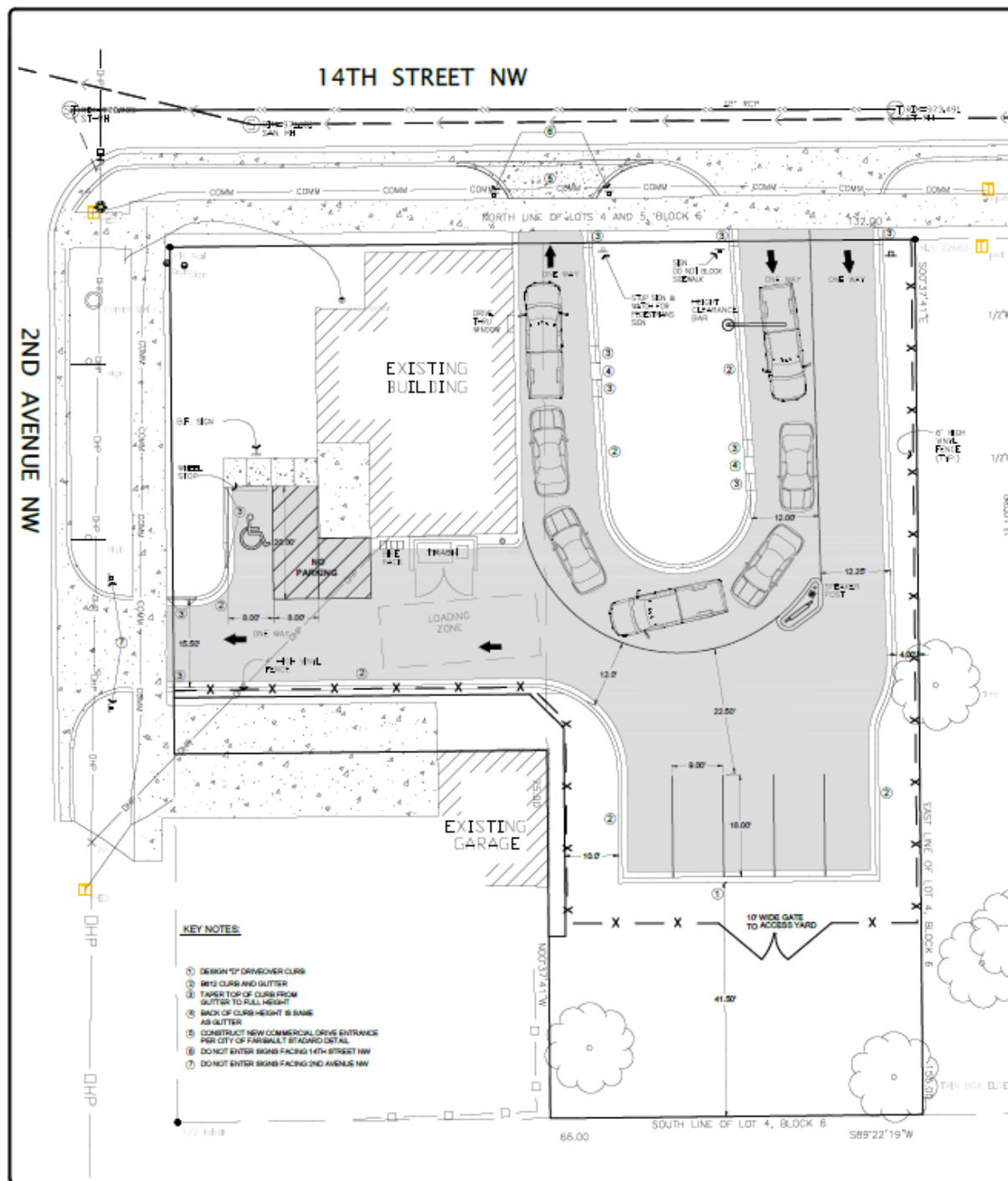
The Property Owners intend to grant and combine the area identified having the private easement with the Beckjorden-owned parcel. A portion of the former easement area will be retained by Jordan Brennan and Jessica Swink to support their site design specific to internal circulation for the coffee shop. The easement will be extinguished and ownership of the easement area transferred between the Property Owners prior to recording.



Easement Location



Final Plat



Site Plan

There are two variances required to support the amended plat:

1. The Mighty Fine Coffee property is reduced lower than what was previously approved earlier in 2025. The reduction requires a new variance.
2. Additional details of the interior redesign for Mighty Fine Coffee require an additional parking space, which created an increase in impervious surface. The reduction of the project parcel size also

contributes to the change in percentages.

The variances are summarized in the table below:

Variances for Lot Area and Impervious Surface:

Variance Issue	Requirement	Proposed	Variance
Lot area smaller than minimum (Sec 11-100, Table 11-2)	20,000 square feet	15,422 square feet	4,578 square feet
Impervious surface exceeds maximum (Sec 13-700(5))	25% maximum impervious surface coverage (3,861 square feet)	58% (9,013 sq. ft.)	5,153 square feet

Discussion:

The proposed preliminary and final plats with variances are consistent with the planning and zoning aspects of the City's Unified Development Ordinance. The following provides an overview of the key planning and zoning-related items associated with:

Preliminary and Final Plat Summary. The proposed preliminary and final plats meet the criteria for zoning approval.

Variance Summary. Staff supports both variance requests. In general, the amount of land area for the property is improved by combining the parcels and in the absence of additional parcels, this is the closest this property will get to a compliant lot in terms of land area. This is related to the impervious surface request, which is an appropriate level of development for the neighborhood. Many previous applicants have tried to make use of the subject properties, but the proposal by Mighty Fine Coffee is the closest staff has seen to being compliant.

DNR Area Hydrologist Comments. The DNR Area Hydrologist provided city staff with the following comments, which the applicant responded to in *italics*:

Generally, the department does not recommend issuing variance that makes existing non-conforming lots more non-conforming per local/state ordinance. With that said each site is different and presents challenges and this one is no different. I have reviewed the submitted information and offer the following comments/questions/recommendations.

1. The proposal includes adding additional impervious area to reach an approximate 67% lot coverage, a ~25% increase over

existing. What was looked at for mitigation?

- i. Applicant Response: The site will have 52% impervious surface coverage. The south portion of the property will be undisturbed retaining the existing turf which will allow for infiltration of runoff from adjacent properties to the south & east.*
2. The application mentions that there will be a small retention pond installed to capture surface water. What percentage of water from the site will this pond capture?
 - i. Applicant Response: The intention of the pond is to allow for infiltration, filtration & rate control. Underlying soils are granular & should provide for infiltration, reducing the volume of storm water leaving the site. The storm water basin will discharge excess stormwater to the city's storm water collection system after infiltration with rate control & filtration BMP.*
3. How was the pond sized? Will the pond outlet into the existing city storm sewer system (dry pond) or is the pond landlocked limiting storage for future rain events-holding water limiting storage?
 - i. Applicant Response: Civil plans & modeling are in process and will be submitted with building permit/ grading permit.*

The applicant was provided with information and direction from the City Engineer to address the comments of the DNR Hydrologist and provided guidance to meet the requirements of the City engineering standards.

This draft staff report along with the engineer's grading plan and updated plat was provided to the Area Hydrologist shortly prior to publishing this staff report.

Development Review Committee Recommendation. The City's Development Review Committee (DRC) reviewed the proposed CUP and variances on November 18, 2025. The DRC supported the requests and forwarded the applications to Planning Commission.

Engineering. The City Engineer provided a memo regarding platting and engineering requirements to assist in guiding the applicant to meet city standards.

Building Inspections. The applicant is required to secure any applicable building permits needed for this project.

Public Comment. City Staff received no public comment prior to publishing this report. Notification for this item was published in the paper on November 6, 2025, and letters sent to property owners within 350 feet of the properties.

Recommendation:

The DRC and City Planning Manager recommend approval of all the applications based on the criteria and findings of their respective Resolutions, with conditions of approval.



Engineering Department Memorandum

TO: Leslie McGillivray-Rivas, Planner

CC: David Wanberg, Comm. and Econ. Development Director

FROM: Mark DuChene, City Engineer

DATE: May 7, 2025

SUBJECT: Mighty Fine Coffee Comprehensive Plan Amendment, Rezoning, Preliminary Plat, Final Plat, Conditional Use Permit & Variance

BACKGROUND

Jordan Brennan on behalf of Mighty Fine Coffee, the developer, has submitted a comprehensive plan amendment, rezoning, preliminary plat, final plat, conditional use permit and variance applications. The site is located in the NE ¼ of Section 30 Township 110, Range 20W whose parent parcels are Lots 4 & 5, Block 6 NORTH FARIBAULT. The site is adjacent to 14th Street NW to the north, 2nd Avenue to the west, and residential property to the south and east.

The proposed subdivision is located on land that is currently guided for established residential neighborhood and zoned C-1 Neighborhood Commercial. The Developer is requesting a comprehensive plan amendment to change the planned use to commercial/residential mixed use and rezone the property to C-2 Highway Commercial. The proposed improvements include the redevelopment of an existing commercial use building to a coffee shop and related site improvements. The Engineering Department supports the comprehensive plan amendment and rezoning requests.

Conditional Use Permit

A conditional use permit is required for the proposed use and is also required since the entire site is within the City's shoreland overlay district due to its proximity to the Cannon River. All proposed improvements must meet the requirements of the City's shoreland overlay district and comments received from the MN DNR must be adequately addressed.

There are no proposed public improvements.

The proposed development will be completed by:

Owner/Developer:	Mighty Fine Coffee
Surveyor/Engineer:	PTS Land Services Inc./TBD

PLAT

Developer has submitted a preliminary and final plat for MIGHTY FINE COFEE ADDITION. The preliminary and final plat contains one (1) lot for commercial development.

The areas within the plat include:

Lot 1	0.39 acres	(16,830 sf)
Total	0.39 acres	(16,830sf)

Current title work has been reviewed and will be subject to the review of the City and City Attorney's office.

At the time of final plat, the Developer agrees to provide sufficient permanent property monumentation per the development agreement and shall submit to the City written verification by a registered land surveyor licensed in the State of Minnesota.

SITE CONDITIONS

The existing site contains approximately 1.74 acres of land that was previously redeveloped in the recent past for the construction of the existing auto body shop. The site is relatively flat and generally drains from west to east.

EASEMENTS

Existing Easements

- There is an existing easement agreement between the subject parcel and the adjacent parcel to the south for an existing encroachment from the south parcel onto the adjacent parcel. This document (recorded at Rice County) as document A764833 grants the adjacent parcel rights to occupy and utilize a portion of the subject parcel. This easement agreement is a private agreement between two parties of which the City is not a part of and appears to allow encroachments that violate existing City zoning codes. The easement agreement should be reviewed by the City Attorney for applicability and enforcement of existing zoning codes and consideration of the adjacent parcel party being part of the plat and conveying the encroachment area as part of the plat should be considered.

Proposed Easements

The proposed plat should be updated to include perimeter drainage and utility easements as required by City code and at a minimum should include a ten (10) foot easement adjacent to 2nd Avenue NW and 14th Street NW except for where the existing subject parcel building encroaches. Additionally five (5) foot easements should be included along the remaining plat boundaries where adjacent to existing residential lots. The City Attorney shall advise on the applicability of the required platted easements in regards to the private easement agreement and the need for a consent to plat from the adjacent property owner.

STREET AND SITE LAYOUT

No public street improvements are planned as part of the subdivision.

2nd Avenue NW

The site is east of and adjacent to 2nd Avenue NW a minor arterial south of 20th Street NW and a principal arterial north of 20th Street NW. 2nd Avenue NW is constructed as a 44-foot wide, two-lane urban roadway and is within a 80-foot right-of-way. There is currently sidewalk on both sides of 2nd Avenue NW. There is an existing access to the subject parcel from 2nd Avenue near the southern property line. No alterations to this access location shall be made without approval from the City Engineer.

14th Street NW

The site is south of and adjacent to 14th Street NW, a local roadway. 14th Street NW is constructed as a 40-foot wide, urban roadway and is within a 75-foot right-of-way with a shared left/thru lane and a dedicated right turn lane on the westbound approach of 14th Street NW to 2nd Avenue NW. There is currently sidewalk on the south side of 14th Street NW. The site plan indicates two driveway openings on 14th Street NW to serve the proposed development being one-way driveways with an entrance and exist driveway for the drive-thru services. Final driveway locations and designs shall be subject to the review and approval of the City Engineer and must be constructed according to City standards. Consideration may be warranted in the future to sign 14th Street NW with no parking adjacent to the subject plat if traffic patterns and site line issues arise.

DRAINAGE, GRADING AND EROSION CONTROL

STORM SEWER

The development is located within the Canon River (Just Below Dam M-048) district as identified in the City's 2022 Surface Water Management Plan. Stormwater runoff generated within the site currently drains primarily to the adjacent streets which eventually connect to existing storm sewer systems that ultimately discharge to the Cannon River to the north.

Proposed storm sewer improvements must be designed to accommodate the runoff from a 10-year storm, 24-hour SCS Type II precipitation event as defined by the National Oceanic and Atmospheric Administration Atlas 14 precipitation frequency estimate for the Faribault Station. Drainage calculations for the proposed storm sewer system shall be submitted to the City Engineer for review and approval with the final construction plans. Storm sewer systems must be designed to limit the post construction rate of runoff from the 2, 10 & 100 yr. 24-hour storm events to less than or equal to existing conditions. Final storm sewer locations and construction are subject to City of Faribault standards and must be approved by the City Engineer with final construction plans.

The entire subject parcel is within the shoreland overlay district and the submitted site plans indicate that impervious coverage will exceed the maximum allowed 25%. Per the shoreland overlay district requirements, impervious coverage up to 70% may be allowed with additional stormwater management requirements. Developer shall submit as part of the stormwater

management report what alternatives were considered to limit the impervious surface coverage and respond to other comments provided by the MN DNR.

The proposed site improvements shall be reviewed as part of the site plan and building permit. A stormwater treatment system meeting the current requirements of the Minnesota Pollution Control Agency (MPCA) Construction Storm Water permit, the City's current Municipal Separate Storm Sewers permit and 2022 Surface Water Management Plan including the Developers Guide for Stormwater Management must be incorporated into the final plans.

Any proposed stormwater basin(s) will be private, and the Developer will be required to enter into a long-term stormwater operations and maintenance agreement with the City and record said agreement at the Rice County Recorder's office.

A City grading permit and a National Pollution Discharge Elimination System Construction Stormwater General Permit for construction activity is required by the Minnesota Pollution Control Agency (MPCA) for areas exceeding one acre being disturbed by grading. A copy of the Notice of Stormwater Permit Coverage must be submitted to the City upon receipt from the MPCA. A stormwater pollution prevention plan (SWPPP) must be submitted meeting the requirements of the City's municipal separate storm sewer system permit, and associated ordinances and the erosion and sediment control requirement as set forth in the MPCA construction stormwater general permit. A full copy of the SWPPP must be submitted to the City Engineer with the final construction plans for review and approval.

A final post construction as-built grading plan must be submitted meeting the requirements of Article VII, Section 28-230 of the City of Faribault Code of Ordinances.

UTILITIES

The existing site is currently served by City water and sewer from services extended into the site from mains located in the adjacent public streets and existing utilities have sufficient capacity to serve the proposed development.

WETLANDS

There are no known wetlands shown on the preliminary plat.

CONSTRUCTION ACCESS

Construction traffic access and egress for grading, utility, and building construction shall be restricted to a single construction access through the existing site.

RECOMMENDATION

Engineering recommends approval of the Preliminary Plat, Final Plat, Conditional Use Permit & Easement Vacation, subject to the comments within this report and the following:

- Developer shall submit a stormwater management report and stormwater treatment design to be in conformance with the City's MS4 Permit, 2022

Surface Water Management Plan (including the Developer's Guide for Stormwater Management) and the City's Shoreland Overlay District stormwater management requirements.

- Current title work shall be subject to review by the City and City Attorney.
- Developer shall enter into a stormwater operations and maintenance agreement prior to issuance of any type of occupancy permits.
- Final site plan review and approval shall be subject to City Engineer review and comments to verify compliance with City requirements.

CITY OF FARIBAULT

RESOLUTION #2025-XXX

**APPROVE VARIANCES FOR LOT AREA AND IMPERVIOUS SURFACE COVERAGE
AT 127 AND 123 14TH ST NW**

WHEREAS, Jordan Brennan and Jessica Swink (the "Owners") propose to develop a restaurant, primarily serving coffee, which has a drive-through on the Property at 127 and 123 14th St NW (the "Property") legally described in Exhibit A and graphically depicted in Exhibit B ; and

WHEREAS, the Faribault City Council previously approved Resolution 2025-133 at their May 27, 2025 meeting, in conjunction with related applications supporting the redevelopment of the property, to approve Variances for less than the minimum required lot area and a greater than 25% of Impervious Surface Coverage for the property; and

WHEREAS, this Resolution intends to amend and update Resolution 2025-133 pursuant to the recitals in this Resolution; and

WHEREAS, the Owners, have both increased the external boundaries and reconfigured the internal lot boundaries of the associated Mighty Fine Coffee Addition preliminary and final plat through concurrent Resolution 2025-XXX, resulting in a redevelopment parcel with reduced area; and

WHEREAS, the changes associated with the Mighty Fine Coffee Addition preliminary and final plat applications require a revision to the variance request; and

WHEREAS, under Appendix B (the Unified Development Ordinance [UDO]), Chapter 11. Commercial Districts, Article 1. Section 11-100 Lot dimension and bulk regulations. Table 11-2. Lot dimension and setback requirements in the commercial district. C-2- Highway Commercial

Minimum lot area is 20,000 square feet. The proposed lot combination will create a single parcel of approximately 15,422 square feet; and

WHEREAS, under Appendix B (the UDO), Chapter 13. Article 6, Section 13-700 Stormwater Management District (6) Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area. The proposed impervious surface coverage is 58% or 9,013 sq. ft., which is 5,153 sq. ft. greater than the minimum standard; and

WHEREAS, Appendix B UDO, Chapter 2, Article 9 Sec 2-420. Variances are intended to provide a means of departure from the literal requirements of this ordinance where strict adherence would cause practical difficulties because of unique circumstances related to the property; and

WHEREAS, City Staff has completed a review of the application and made a report to the Planning Commission; and

WHEREAS, the Planning Commission, on December 1, 2025, following proper notice, held a public hearing regarding the requests; and

WHEREAS, following said public hearing, the Planning Commission recommended approval of the variances based on the following criteria and findings as required by Section 2-460 of the City's Unified Development Ordinance:

1. The variance is in harmony with the general purposes and intent of the City's ordinances.

Finding: The prior commercial use of one parcel of the project area was historically deficient in land area. The combination of two parcels with the Mighty Fin Coffee Addition for the purpose of activating a underused site for neighborhood business is in harmony with City ordinances.

2. The variance is consistent with the Comprehensive Plan.

Finding: The Comprehensive Plan guides the Property for Established Residential Neighborhood. The Applicant's requested variance responds to the need to concentrate

landscaping in areas where it can best relate to the character of the neighborhood.

3. The applicant proposes to use the property in a reasonable manner not permitted by the City's ordinances.

Finding: Previous property owners and businesses have attempted to use this property and have failed to achieve a plan that adequately addresses code requirements. The current proposal addresses the properties limitations. The applicant is working closely with the City Engineer to ensure additional impervious surface is addressed in on-site treatment systems so that the additional runoff does not impact nearby water bodies.

3. Unique circumstances apply to the property, which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property has not had control. The unique circumstances do not result from the actions of the applicant.

Finding: The property is unique for having varying widths and depths within the existing platted parcels to be assembled. This configuration and an existing slope on a portion of the properties further challenge the site planning aspect. These circumstances are not the result of the actions of the applicant.

4. The variance does not alter the essential character of the neighborhood.

Finding: The request does not alter the essential character of the neighborhood. While these properties were functioning individually in both a residential and commercial capacity, the reuse of the existing commercial structure with no structural expansion for the footprint or vertically allows the scale of the project to seamlessly integrate within the neighborhood setting.

5. The variance requested is the minimum variance, which would alleviate the practical difficulties.

Finding: Due to practical difficulties involved in programming the site, the applicants' requests are the minimum necessary to meet certain performance standards including the minimum lot size and impervious surface coverage in excess of 25%.

6. Economic conditions alone do not constitute practical difficulties.

Finding: The applicant has practical difficulty apart from any economic concerns or conditions in redevelopment. The assemblage of the parcel and site design posed a difficult challenge to accomplish in a manner that supports all criteria. Redevelopment of two platted parcels on a corner lot for the applicant's proposal for a restaurant with a drive through have proven to have a reasonable arrangement of business elements on the subject property.

WHEREAS, the DNR generally does not recommend issuing variances that make existing non-conforming lots more non-conforming per local/state ordinances. There is acknowledgement by the DNR that this developed site presents challenges, and for those reasons, the DNR strongly supports the city requiring engineering practices that offer onsite stormwater management, which includes onsite detention, treatment, and provides for maintenance of the system design. In this way, the goal is to provide the best possible alternative accepted by the city that protects public waters; and

WHEREAS, the City Council, at a public meeting, on December 9, 2025 considered the request and concurred with all findings of the Planning Commission and City Planning Manager as stated in the above recitals and hereby makes the identical findings.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY FARIBAULT, MINNESOTA AS FOLLOWS:

Section 1: Approval of the Requested Variance. The City Council hereby approves the requested variance as stated in the third and fourth

recitals of this Resolution from Chapter 11, Article 11, Sec 11-100 (Table 11-2), and Chapter 13, Article 6, sec. 13-700 of the City's Unified Development Ordinance. Said approval is based on the foregoing recitals, which are incorporated herein by reference, and which constitute the findings of the City Council, all of which are to protect the public's health, safety, and welfare.

Section 2: Prior Approval Amended and Updated. The Faribault City Council hereby amends the previous plat approval through Resolution 2025-133 pursuant to the update described and approval granted in this Resolution.

Section 3: Conditions of Approval. The variance is approved subject to conditions listed herein as authorized under Section 2-470 of the Unified Development Ordinance, which are deemed necessary to mitigate potential adverse impacts associated with the conditional use, to protect neighboring properties, and to achieve objectives identified in the Unified Development Ordinance. The conditions of approval are as follows:

1. The project must be substantially like what is depicted in Exhibit B and may not exceed the requested variance limits. If the Development Review Committee determines that the project is substantially different from what is approved in this Resolution, the applicant will need to submit for a new variance.

Section 4. Compliance. The City Council authorizes the Mayor, City Administrator, City Planning Manager, and the City Attorney to take any additional steps and actions necessary or convenient to accomplish the intent of this resolution.

Section 5. Effective Date. This resolution shall become effective immediately upon its passage and without publication.

(Remainder of this page intentionally left blank)

Date Adopted: December 9, 2025

Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

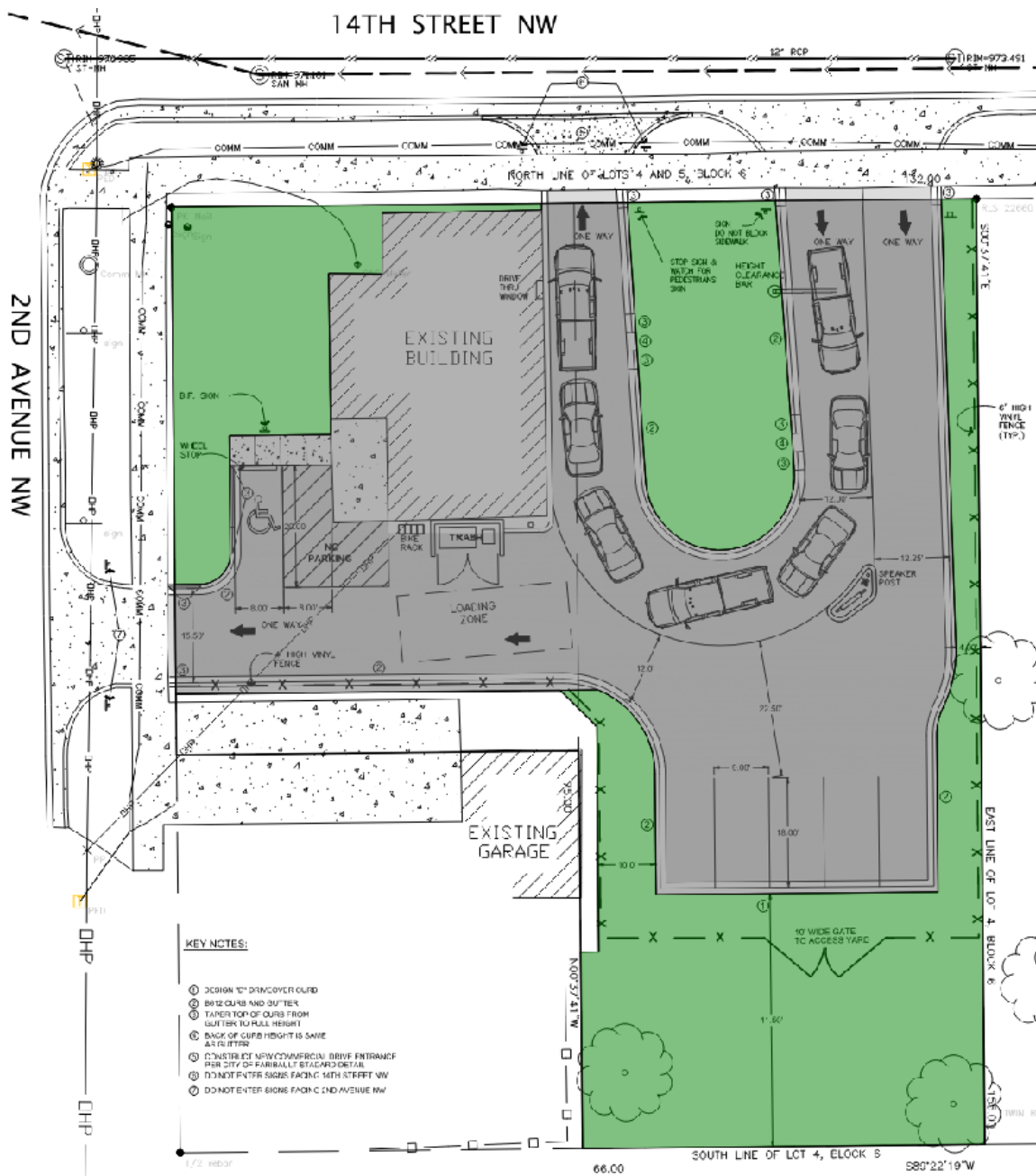
Jessica L. Kinser, City Administrator

Exhibit A
Property Description

Lot 1, Block 1, MIGHTY FINE COFFEE ADDITION, RICE COUNTY,
MINNESOTA.

Abstract Property

Exhibit B Depiction of Variance



Green = Pervious; Grey = Impervious; In total 58% impervious surface proposed

CITY OF FARIBAULT

RESOLUTION #2025-XXX

**APPROVE THE PRELIMINARY AND FINAL PLATS FOR MIGHTY FINE COFFEE
ADDITION**

WHEREAS, Jordan Brennan and Jessica Swink, and Sherry D. Beckjorden (the "Owners"), request concurrent approval of the Preliminary and Final Plats of Mighty Fine Coffee Addition, associated with the property (the "Property") legally described in Exhibit A (the "Property"); and

WHEREAS, the Faribault City Council previously approved Resolution 2025-134 at their May 27, 2025, meeting, to combine only the two parcels owned by Jordan Brennan and Jessica Swink into a single lot; and

WHEREAS, this Resolution intends to amend and update Resolution 2025-134 pursuant to the recitals in this Resolution; and

WHEREAS, the Owners seek to increase the platting boundaries of Mighty Fine Coffee Addition to create a two (2) lot subdivision from three (3) existing lots, graphically depicted in Exhibit B (the Preliminary Plat) and Exhibit C (the Final Plat); and

WHEREAS, City Staff reviewed the Applicant's applications and made a report to the Planning Commission, a copy of which City Staff presented to the City Council; and

WHEREAS, the Planning Commission, on December 1, 2025, following proper notice, held a public hearing regarding said request; and

WHEREAS, following the public hearing, the Planning Commission carefully considered the Owners Preliminary Plat approval request, the public's comments, and the staff report , and made a recommendation to the City Council to approve of the preliminary plat for Mighty Fine

Coffee Addition, as depicted in Exhibit B based on the following findings as required by Section 15-130 of the City's Unified Development Ordinance:

- 1. Criteria: The proposed preliminary plat conforms with the requirements of the Unified Development Ordinance, the applicable zoning district regulations, and any other applicable provisions of this Ordinance, subject only to acceptable rule exceptions.**

Finding: The proposed preliminary plat is substantially consistent with UDO requirements within the C-2, Highway Commercial zoning district and subdivision platting requirements.

The proposed platted cumulative land area does not meet the requirement of the minimum lot area being 20,000 sq. ft. The applicant has applied for a variance from this standard, which is supported due to the limits of available land area for redevelopment. This concurrent variance is through Resolution 2025-XXX.

- 2. Criteria: The proposed subdivision is consistent with the City's Land Use Plan and any other adopted land use studies.**

Finding: The City's Land Use Plan, following Resolution 2025-132, guides the subject property for commercial/residential mixed use. The proposed commercial use is consistent with this plan.

- 3. Criteria: The plat contains a sound, well-conceived parcel and land subdivision layout that is consistent with good land planning and site engineering design principles.**

Finding: The preliminary plat provides for reasonable use of land intended for commercial development, based on sound planning and engineering principles. The project utilizes existing infrastructure and street frontages to accommodate an expanded commercial use.

- 4. Criteria: The spacing and design of proposed curb cuts and intersection locations is consistent with good traffic engineering design and public safety considerations.**

Finding: The preliminary plat lot is consistent with the provisions

of the City's Unified Development Ordinance. On-site stormwater management is proposed along with a proposed connection to the infrastructure on 14th Street NW. There are two new proposed curb-cut locations on 14th Street NW to facilitate the proposed entrance to the drive through and access to site parking.

A single curb cut will serve the exit from the site onto 2nd Avenue NW, narrowing the egress to one location along the property boundary.

5. Criteria: All submission requirements have been satisfied.

Finding: The proposed preliminary plat adequately addresses the submission requirements as outlined in the City's Unified Development Ordinance; and

WHEREAS, the Planning Commission also made a recommendation to the City Council to approve the proposed final plat of MIGHTY FINE COFFEE ADDITION as depicted in EXHIBIT C, based on the following findings as required by Section 15-210 of the City's Unified Development Ordinance:

1. Criteria: The final plat substantially conforms to the approved preliminary plat.

Finding: The Owner applied concurrently for the final plat approval with the preliminary plat. The final plat conforms to the preliminary plat as required.

2. Criteria: The plat conforms to all applicable requirements of the Unified Development Ordinance, subject only to approved rule exceptions.

Finding: The final plat conforms to all applicable requirements or exceptions of the City's Unified Development Ordinance.

3. All submission requirements have been satisfied.

Finding: The proposed final plat adequately addresses the submission requirements outlined in the City's Unified Development Ordinance.

WHEREAS, the Planning Commission also found that the proposed subdivision does not require parkland dedication (or cash in lieu of parkland) because the plat does not intensify the demand for City parks

as outlined in Section 15-338 of the City's Unified Development Ordinance; and

WHEREAS, the City Council held a public meeting on December 22, 2025, to consider the Applicant's request for preliminary and final plat approval of MIGHTY FINE COFFEE ADDITION; and

WHEREAS, based on the staff report, the results of the public hearing, and the written findings of the Planning Commission, the City Council concurs with the written findings of the Planning Commission and makes the identical findings.

NOW, BE IT RESOLVED by the City Council of the City of Faribault, as follows:

Section 1. Preliminary and Final Plat Approval. The City Council approves the preliminary and final plat for Mighty Fine Coffee Addition included in Exhibit B and Exhibit C, respectively, subject to the following conditions:

1. The City Council's approval of the Applicant's preliminary and final plats are conditioned on City Council's approval of Resolution 2025-XXX which allows a lot to be created with less lot area than that required by city ordinances and allows greater than 25% impervious surface within the shoreland overlay zoning district.
2. The Applicant or Owner must submit current title work for the Property pursuant to Minnesota Statutes Section 505.03, the Faribault City Code, and the required Development Agreement for this matter and abide by all conditions resulting from such title work and the resulting attorney plat opinion, as well as City Staff review of the title work.
3. The Applicant or Owner must address, to the satisfaction of the City, all plat-related comments and general clean-up items from City Staff and the City Attorney, including remaining comments as outlined by Engineering in Exhibit D.
4. The Owner and the City must enter into a Development Agreement that is satisfactory to the City Attorney.
5. Regarding the sign and existing structure's placement so close to the ROW, the applicant may:
 - a. Concurrent with the recording of the final plat, the Owner

must enter into an Encroachment Agreement with the City, to the satisfaction of the City Engineer and City Attorney, that addresses encroachments by existing structures into the plat's proposed drainage and utility easements; and/or

- b. Adjust the dedicated easement to exclude the area occupied by the existing structure. In the event that the structure is removed, the property owner must
6. Before recording the final plat, the Owner must pay all applicable taxes and fees.
7. The final plat shall be recorded with the Rice County Recorder's Office within twelve (12) months following City Council approval, or it shall be deemed null and void, unless the City Council extends the deadline to record the final plat.
8. The Applicant or Owner shall provide the City Engineer with a signed Mylar copy of the final plat as soon as possible after all signatures have been obtained and after the final plat has been successfully recorded at Rice County.
9. The Applicant or Owner shall provide the City Engineer with a final plat in a digital format suitable to the City Engineer as soon as possible after the final plat has been successfully recorded at Rice County.

Section 2: Prior Approval Amended and Updated. The Faribault City Council hereby amends the previous plat approval through Resolution 2025-134 pursuant to the update described and approval granted in this Resolution.

Section 3. Findings. The recitals in this Resolution are integral to this Resolution and, where applicable, constitute the findings of the City Council.

Section 4. Authorization to take Additional Steps. The City Council authorizes and directs City Staff and City Consultants to take all additional steps and actions necessary or convenient to accomplish the intent of this Resolution.

Section 5. Authorization to Execute Documents. The City Council authorizes and directs the Mayor and City Administrator to take all necessary actions and to execute all appropriate documents to effectuate the approvals contemplated by this Resolution.

Section 6. Effective Date. This Resolution is effective immediately upon its passage and without publication

(Remainder of this page intentionally left blank)

Date Adopted: December 9, 2025

Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A
Legal Description

Lot 4, Block 6, NORTH FARIBAULT, Rice County, Minnesota AND ALSO,
All of Lot 5 except the south 65 feet, in Block 6, in the Town of North
Faribault, Rice County, Minnesota. According to the plat thereof, on file
and of record in the office of the County Recorder, Rice County,
Minnesota.

AND ALSO;

The South Sixty-Five (65) Feet of Lot Five (5) Of Block Six (6), NORT
FARIBAULT, RICE COUNTY, MINNESOTA.

Abstract Property

MIGHTY FINE COFFEE ADDITION

PTS LAND SERVICES, INC.
COMPLETE LAND SURVEYING SERVICES

Exhibit D
City Engineer's Memo

(insert memo after this page)



Staff Report to the Planning Commission

TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planning Manager
MEETING DATE: December 1, 2025
SUBJECT: P/I District Zoning Text Amendment

Request:	City Staff initiated a zoning text amendment to address district area and setback requirements for the P/I zoning district.
Recommendation:	City Planning Manager recommends Planning Commission forward and recommend approval of the requested zoning text amendment to City Council.
Recommended Motion:	Motion to forward and recommend approval of the zoning text amendment to City Council.

Background and Details:

In 2021, City Staff started the process for developing the P/I, Public Institutional zoning district and inserting it into City ordinances. In January of 2022, City Council reviewed and passed Ordinance 2022-3, which integrated P/I into the UDO, which included requirements for the size of contiguous area zoned to P/I and setbacks for structures in Sec 13-560.

In 2021 and early 2022, the City hired a consultant to help Engineering with integrating MS4 stormwater requirements into various parts of City ordinance. City Council passed Ordinance 2022-13, which made the proposed MS4-related updates a requirement and included making changes to Sec 13-560. However, the consultants and Engineering used an old version of Sec 13-560, which did not include the changes made in Ordinance 2022-3, so while other sections of the code reflected changes made in Ordinance 2022-3, the old table from pre-Ordinance 2022-3 included in Ordinance 2022-13 overwrote the table in Sec 13-560.

Since the summer of 2022, the City rezoned several properties to P/I, but the minimum requirements for area and setbacks were technically not enforceable as they were removed from the UDO. City Staff continues to determine that the requirements adopted are applicable; however, they are confusing to applicants and in administering development requirements.

Request:

City Staff requests the Planning Commission review and discuss the following changes, which are consistent with the previously-approved Ordinance 2022-3:

Table 13-3. Lot dimension and setback requirements, special districts.

	O District	TUD District	<u>P/I District</u>
<u>Minimum district size</u>	<u>N/A</u>	<u>N/A</u>	<u>2.5 acres</u>
Minimum lot area	1 acre	1 acre	<u>None</u>
Minimum lot width	200 feet	100 feet	<u>None</u>
Minimum lot depth	200 feet	100 feet	<u>None</u>
Building setback requirements			
Front	50 feet	50 feet	<u>25 feet</u>
Side	25 feet	25 feet	<u>10 feet</u>
Rear	25 feet	25 feet	<u>10 feet</u>

Changes are shown above in red and underlined.

Discussion:

The following is a summary of the criteria and findings for this proposal:

Zoning Text Amendment Summary

City Staff believe the above changes will help with administration of P/I properties and their property owners with future additions or redevelopment.

2024 Comprehensive Plan

The proposed changes meet the Core and Additional Guiding Principles:

- Remove or minimize barriers and create or strengthen opportunities for all individuals, businesses, industries, organizations, and services to success.
- Balance individual property rights with community interests and goals.

Public Comment

A public notice was posted in the newspaper on November 20, 2025, consistent with public hearing requirements. Staff have not received any comments prior to publishing this report.

Recommendation:

City Planning Manager recommends Planning Commission forward and recommend approval of the requested zoning text amendment to City Council.

**CITY OF FARIBAULT
ORDINANCE No. 2025-XX**

**APPROVE A ZONING TEXT AMENDMENT TO P/I PUBLIC
INSTITUTIONAL ZONING REQUIREMENTS**

WHEREAS, the City of Faribault (the "Applicant") requests a zoning text amendment to change requirements for properties zoned P/I, Public Institutional; and

WHEREAS, City Council adopted Ordinance 2022-3 in January of 2022 to create the P/I zoning district, which established lot area and setback requirements; and

WHEREAS, City Council adopted Ordinance 2022-13 in June 2022 to amend City ordinances regarding MS4 Permit compliance, which inadvertently removed the P/I lot area and setback requirements; and

WHEREAS, City Staff propose reinserting the standards, as depicted in Exhibit A; and

WHEREAS, the Planning Commission, on December 1, 2025, following proper notice, held a public hearing regarding the proposed zoning text amendment; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the above-referenced zoning text amendment based on the following written findings outlined in Section 2-180 of the City's Unified Development Ordinance as follows:

1. **Criteria: Whether the amendment is consistent with the applicable policies of the City's Land Use Plan.**

Finding: The Comprehensive Plan's Core and Additional Guiding Principles support the general direction of the proposed zoning amendment:

- *Remove or minimize barriers and create or strengthen opportunities for all individuals, businesses, industries, organizations, and services to succeed.*

The proposed zoning amendment will alleviate an administrative issue regarding regulating new and existing P/I zoned properties.

- Balance individual property rights with community interests and goals.

The proposed zoning amendment will re-establish reasonable limits on new and redeveloped P/I properties throughout the City.

2. **Criteria: Whether the amendment is in the public interest and is not solely for the benefit of a single property owner.**

Finding: The proposed zoning text amendment is not intended to benefit only one property owner. It will be effective citywide and benefit property owners within and adjacent to P/I with reasonable restrictions on setbacks and district areas.

3. **Criteria: Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: The proposed text amendment does not change the zoning classification of property in the city, so this criterion does not apply.

4. **Criteria: Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: The proposed text amendment does not change the zoning classification of property in the city, so this criterion does not apply.

5. **Criteria: Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: The proposed text amendment does not change the zoning classification of property in the city, so this criterion does not apply.

WHEREAS, the City Council held a public meeting on December 9, 2025, to consider approval of the first reading of Ordinance 2025-XX; and

WHEREAS, the City Council also held a public meeting on December 23, 2025, to consider approval of the second reading of Ordinance 2025-XX; and

WHEREAS, based on the City Staff report, the results of the public hearing,

and the written findings and recommendation of the Planning Commission, the City Council of the City of Faribault concurs with the written findings of the Planning Commission as stated in the above recitals and hereby makes the identical findings.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Findings and Incorporation of Recitals and Exhibits. The recitals in this ordinance are part of this ordinance and, where applicable, constitute the written findings of the City Council of the City of Faribault.

Section 2: Text Amendment – General and Residential Accessory Structures. The Faribault City Council hereby amends (additions and amendments shown in the underlined text; removals shown in the ~~strikethrough~~ text) to the Unified Development Ordinance under Chapter 13, Article 5, Sec. 13-560, as proposed in Exhibit A.

(Remainder of this page intentionally left blank)

Section 3: Effective Date. This ordinance shall be effective immediately upon its passage and publication per the provisions of the Faribault City Charter.

Public Hearing: December 1, 2025
First Reading: December 9, 2025
Second Reading: December 23, 2025
Publication: December 30, 2025

Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

EXHIBIT A

**Amended Section 13-560, under Chapter 13 of the Unified Development
Ordinance**

(insert proposed amendment document)

Sec. 13-560. Lot dimension and building bulk regulations.

Lot area and setback requirements for the special districts shall be as specified in Table 13-3. Wetland buffer and buffer setback requirements shall be as specified and by the regulations specified in Chapter 28, Section 28-232, Wetlands and Wetland Buffer Strips [Appendix].

Table 13-3. Lot dimension and setback requirements, special districts.

	O District	TUD District	<u>P/I District</u>
<u>Minimum district size</u>	<u>N/A</u>	<u>N/A</u>	<u>2.5 acres</u>
Minimum lot area	1 acre	1 acre	<u>None</u>
Minimum lot width	200 feet	100 feet	<u>None</u>
Minimum lot depth	200 feet	100 feet	<u>None</u>
Building setback requirements			
Front	50 feet	50 feet	<u>25 feet</u>
Side	25 feet	25 feet	<u>10 feet</u>
Rear	25 feet	25 feet	<u>10 feet</u>

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2010-04, § 7, 5-25-10; Ord. No. 2022-13, § 5, 6-28-22)



REQUEST FOR PLANNING COMMISSION

TO: Planning Commission
THROUGH:
FROM:
MEETING DATE: December 1, 2025
SUBJECT: Requests to be Heard

Background:

Recommendation:

Attachments:



REQUEST FOR PLANNING COMMISSION

TO: Planning Commission
THROUGH:
FROM:
MEETING DATE: December 1, 2025
SUBJECT: Board & Commissions Updates & Reports

Background:

Recommendation:

Attachments: